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# The Case of Smythe vs. Smith

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# THE CASE OF

# SMYTHE vs. SMITH

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## A Mock Trial Court Scene

In One Act

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By

Frank Dumont

Author of "Little Miss Nobody," "The Cuban Spy," "The Scout of the Philippines," Etc.

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Philadelphia
The Penn Publishing Company
1899

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# The Case of Smythe vs. Smith

## CAST OF CHARACTERS

JUDGE WISEHEAD, . . *a very profound legal light.*
LAWYER PRO-FOR-IT, } *The two best lawyers in the county.*
LAWYER CON-AGINIT, }
WIDOWER PLENTIFUL SMITH, . . *the defendant.*
WIDOW REBECCA SMYTHE, . . . *the plaintiff.*
(*May be played by male.*)

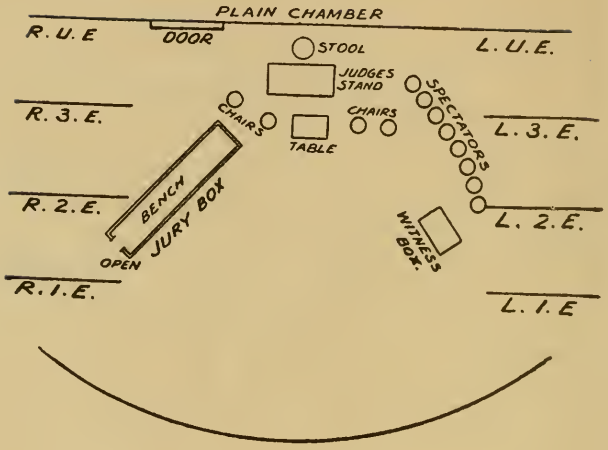
COURT OFFICER.
A BOOK AGENT.
HIRAM HOECAKE, *a farmer.*

THE DEAF MAN, . . . .
THE CRIPPLE, . . . . .
DUTCH SOURKROUT MAKER, . .
STUTTERING MAN, . . . .
THE TRAMP, . . . .
MAN WITH A HARE LIP, . . . } *The jury.*
STRONG MINDED WOMAN, (*may be played by male*) . . . .
MULDOON, *an Irishman*, . . .
REVEREND THUSLY, *a colored preacher*, .
AJAX MOSELY, *a colored chicken thief*, .
FARMER TATERPATCH, . .

EDITOR OF "THE WEEKLY CREEPER."
SPECTATORS, GOSSIPERS, ETC.

*Spectators may merely walk across stage and off.*

## DIAGRAM OF SET



## COSTUMES

JUDGE. Seedy suit of black—far too large for him. Florid complexion. Bald wig. Grey chin whiskers and spectacles.

LAWYER PRO-FOR-IT. Dark wig. Slightly bald. Stand up collar. Side whiskers. Reddish nose. Eyeglasses. White vest. Tight fitting checked trousers with white gaiters. Seedy Prince Albert coat. Red handkerchief in coat-tail pocket.

LAWYER CON-AGINIT. Rather stout. Hair sticking up, and reddish whiskers on chin. Flowered vest. Wide baggy trousers and swallow tailed coat. Spectacles worn on his forehead to push down upon his nose at intervals.

PLENTIFUL SMITH. A make-up to make him cadaverous and thin. Very tight fitting garments. White wig, bald on top—short grey whiskers—wan cheeks—rings under the eyes —and feeble and consumptive looking.

WIDOW SMYTHE. Very stout and wears gaudy garments. Flounced dress of gay material. Jacket with puffed sleeves. A hat with plenty of gaudy flowers and ribbons. Small veil. Fan and gloves. Features made up to show "rosy" cheeks. Painted eyebrows and eyelashes. In fact "too young" in make-up for her years.

COURT OFFICER. Very extravagant make-up—half civilian and half police—with a "star" on his breast. Face can be made up to suit the performer's judgment.

BOOK AGENT. Very natty business costume.

FARMER HOECAKE. Extravagant farmer. Blue overalls, big boots, yellow vest, butternut colored funny fitting coat. Sandy hair, chin whiskers. Straw hat, and is chewing bits of straw during proceedings.

DEAF MAN. Grey wig and mustache. Blue eyeglasses. Seedy suit, and has large ear trumpet.

CRIPPLE. Ordinary clothing. Funny wig. Both feet or one foot tied up in white linen bandages. He uses crutches.

DUTCHMAN. High bald wig of yellow hair. Broad chin whiskers. Red nose and cheeks. Blue coat. Neck-

tie of colored handkerchief. Wide striped pants. Colored hose, and large shoes. Wears funny Dutch hat or cap.

STUTTERING MAN. Smooth face, with false nose of wax or putty. Heavy eyebrows. Dark coat. Check vest. White pants. Small "high" hat with deep band around it.

THE TRAMP. Comic tramp's make-up to suit portrayer of this character.

MULDOON. Irish make-up. Red wig and "galways." Red eyebrows. White upper lip. Dark suit, and little white derby hat.

MAN WITH HARE LIP. Bushy wig. Pug nose. Arched eyebrows. Sunken cheeks. Ordinary suit of clothes.

REVEREND THUSLY. Old darkey preacher. White wig. Side whiskers. Spectacles. White tie. Dark and seedy suit. Blue cotton umbrella and white "plug" hat. White cotton gloves.

AJAX MOSELY. Funny darkey's make-up, to suit the taste of the performer.

FARMER TATERPATCH. Brown trousers. Blue vest. Dark coat with a light one over it—too small to cover the under one. Long hair and short stubby whiskers around chin to his ears. Broad brimmed hat and umbrella.

EDITOR Weekly Creeper. Very grotesque and seedy costume. Very high forehead. Tuft of hair on chin. Bald spot on top of wig, with a few hairs in centre of it. Tight white pants. Colored vest and Prince Albert coat. Note-book, plenty of pencils in his hair and behind his ears.

STRONG MINDED WOMAN. Short hair, man's derby hat. Spectacles. Dark jacket or basque. She can wear bloomers or a bicycle skirt. Blue cotton umbrella. White gloves. Sharp features, long nose, thin lips, high cheek bones, arched eye-brows, and in fact to portray a strong-minded, vinegar-faced advocate of "woman's rights." This "make-up" is subject to the judgment of the lady or gentleman assuming this very important part.

SPECTATORS. Funny country make-ups according to judgment of those taking part. The more grotesque, the better; but do not conflict with "make-ups" of the jury or speaking parts.

# THE CASE OF SMYTHE vs. SMITH

SCENE—*Interior of County Court Room. See diagram. Plain chamber, with window in flat.* JUDGE'S *bench up stage centre. It is placed upon an elevation. High stool for* JUDGE *to sit upon. Plenty of documents, books and writing materials on the desk, also a glass, and a mallet to rap for order. Behind his desk is a jug, a croquet mallet and several articles enumerated in the course of the play. Before the desk is a table, with books, papers, etc., for use of the lawyers. A few chairs* R. *and* L. *Witness stand* L. C. *The Jury box* R. *It is placed at an angle so Jurymen can be seen by audience when seated on bench within it.*

(*At opening, the* COURT OFFICER *or "constable," is discovered arranging table and chairs.*)

OFFICER. This is going to be a busy day and the great case that has caused so much talk all winter long is going to be tried to-day. By gravy, it's worth a man's lifetime to hear a case like this. Such prominent people too. The whole county will turn out to hear it. (*Laughs.*) Widow Smythe has buried two husbands, and Widower Smith's got three wives planted in the cemetery. She's suing him for breach of promise and wants damages. (*Laughs.*) This is the place to get damages and sue for repairs. Judge Wisehead is a learned man and he's a just judge, that's why he's just a Judge these twenty years. (*Noise of crowd heard outside* L. 1 E.) The crowd is anxious to get in. I guess I'll let the "speckled potatoes" into the court house. It's time court was opened. (*Goes over to* L. 1 E. *and pretends to open the door of court room.*) Come in, everybody, and be orderly and respect me and the Judge, for remember I represent the law, and the Judge pronounces the law; come in!

(*Crowd enter court room* L. I E. *All sorts of farmers, women, children, young and old men to form the curiosity-seeking spectators of a court room. They go up stage,* L., *and seat themselves.* EDITOR *of newspaper struts over and takes a seat in the jury box.*)

OFFICER. Here! You! Come out of that. That's for the jury.

EDITOR. I'll have you to know that I am the editor of the *Weekly Creeper*. I came here to report the case for our paper, sir.

OFFICER. That's for the jury ——

EDITOR. Sir! Do you know who I am—I am the editor of the *Weekly Creeper*.

OFFICER. Well, "creep" out of that box. I don't care how *weak* you are—get out of it.

EDITOR. Sir! I will "roast" you in my paper. I will show you up for your impudence to a taxpayer, sir—I belong in this county and you'll hear from me in my paper!

OFFICER. I don't care—I can't read—never went to school—get out of that box—or I'll shake you out of it.

(*Drives* EDITOR *out of box over to* L. *He is protesting and threatening as he goes.*)

EDITOR. The idea sir—of me—me, the editor of the *Weekly Creeper*, sitting with the common people like an ordinary mortal. You shall hear from me, sir. This insult will be wiped out in blood.

OFFICER. If you want blood go to the slaughter house and get it. (*Looks* L.) Ah! here comes the lawyers. Here's the fellers that wrestle with the truth.

(*Enter* LAWYER CON *and* LAWYER PRO, L. I E. *Both have books and are made up quite eccentric and the opposite of each other in talk, movements, and mannerisms. Spectators greet them—and lawyers bow to everybody and seat themselves at table.*)

LAWYER PRO. Our worthy Judge is late this morning.

LAWYER CON. Yes. He is usually very punctual. This celebrated case has turned things topsy-turvy in the entire county.

EDITOR (*rising*). Don't forget, gentlemen, that I am writing up this case for my papers, the *Weekly Creeper*—and the *Farmer's Benevolent Companion*. "By your

works shall ye be judged." Remember the power of the Press.

OFFICER. Sit down—and keep your jaws from working over time; or I'll press you out of this. (*Looks* L.) Hats off, everybody. Here comes the Judge!

(*Enter* JUDGE WISEHEAD, L. 1 E. *All bow to him as he is going to his desk.* EDITOR *springs up, rushes to him and presents his card.*)

EDITOR. Take my card. I am the Editor of the *Weekly Creeper*. My argus eye will be upon you as the case progresses. Oh, thou wise Judge—thou good Judge. I am here ——

OFFICER. Go sit down. (*Forces* EDITOR *back to his place.* JUDGE *goes to place on desk. Leans over and greets lawyers pleasantly.*)

JUDGE (*to* OFFICER). Let the jury in if they've been empaneled.

OFFICER. I guess they've been pummeled for all I know; for they're the blamedest things I ever see scooped up in a museum, but it's the best jury we could get hold of. (*At* L. C. *he yells.*) Jury come in!

(*The jury enter* L. 1 E., *singly and go over to places in jury box in the following order.*

1st *Deaf Man with ear-trumpet.*
2d *Cripple on crutches—one foot tied up.*
3d *Man with a hare lip.*
4th *Dutch sourkrout maker.*
5th *Lively Darkey.*
6th *Muldoon, an Irishman.*
7th *Funny Old Farmer.*
8th *Eccentric Tramp.*
9th *Stuttering Man.*
10th *Man with nervous affection of face and head, with touch of St. Vitus' dance.*
11th *An Old Darkey Preacher.*
12th *Strong-minded Woman, a woman's rights' advocate who insists on being on jury, having as much right as a man.*

*The jury seat themselves in the jury box so their features can be seen by audience, and in about the same order as above.*)

DEAF MAN. I ain't got no right to be here. I can't understand what's going on !

FARMER. That's all right. The Judge will give you a "hearing." (*Laughs.*) I read that joke in the almanac, and, by gum, it fits your case presactly !

DUTCHMAN. Look here, Judge, I was "suppeany" on this jury, and I've got two barrels of sourkrout that I must attend to or it will spoil and ruin my business.

TRAMP. The idea of sourkrout spoiling ! Why, the more it is spoiled the better it smells.

MULDOON (*to* JUDGE). Look here, I don't know what I'm here for, and as I know nothing about either one of the criminals and robbers—why—let me off, Judge, till I go to my honest work ——

JUDGE (*raps for order*). Order ! order in the court.

STUTTERING MAN. What's—all—the—case—about—any—way ! (*He stutters this question and whistles between the words.*)

MULDOON (*to him*). Don't be wearing out your teeth talking like that and whistling your words. Shut up, and behave yourself.

JUDGE (*to* STUTTERING MAN). What's the matter with you ?

STUTTERING MAN. I've—got—a—a—a—I've—got—a—(*Gets a fit of stuttering.*)

MULDOON. Whistle it—Whistle it ! We can't wait here all day.

LAWYER PRO. He has a serious impediment in his speech, but it does not disqualify him from serving.

MULDOON. He has a tenement house in his speech. I'm glad I know what ails him.

MAN WITH HARE LIP. Judge ! I want to know if I can be excused. (*He has quite a time asking this question.* MULDOON *jumps to his feet.*)

MULDOON. Here's another feller with the cholera-morbus in his speech. Sit down. Sit down.

LAWYER CON. The gentleman has a hare lip but it will not deter him from acting as a juror.

MULDOON. He has a rabbit in his mouth, and he's a democrat Jew, is he ? (JUDGE *raps for order.*)

DARKEY. Say, Judge, I can't stay here on the jury. I've got an invitation to visit a chickery, to-night.

JUDGE. What is a chickery ?

DARKEY. A place where they keep chickens. I've got to move a couple of them before morning.

PREACHER. Oh! de sinful representative of the colored population. Woe unto the midnight assassin of pullets and innocent hens. Woe unto he who sneaketh in the gloom to grasp the drowsy fowl that belongeth not to him. Oh! I cry unto you as the prophets of old—repent ye—cease craving for the flesh pots of Egypt or the chicken pot-pie of your neighbor. Oh! the vengeance is swift and terrible. You know not whence cometh the savage canine. Oh! I say unto you——.

DARKEY. Parson, I was going to invite you to a chicken dinner soon as I got the poultry.

PREACHER. Well, dat's different; go forth upon your holy errand, and my blessings will follow you.

(*They sit down*; JUDGE *raps for order.*)

STRONG MINDED WOMAN. See here! I want to know what this case is about. I'm sitting here like a stone jug, but understand me right from the start (*hits box with umbrella*) I'm as good as any man here. I know my rights and I'm going to get them. I want the same rights as the monster man enjoys, and understand me now, that I want to be treated as your equal. I'm here on the jury. I am the jury. I am the entire jury and whatever I say "goes." (*Hits box. Alarms jury.*) I'll show you that there is one woman in this county who knows as much as any man here and more. I'm a woman's rights' advocate and I want to see anybody shut me up. Now go ahead with your case and be quick about it.

EDITOR. Madam, I want to put your ideas into the *Weekly Creeper*. You are a smart man, madam.

STRONG MINDED WOMAN. Shut up. I haven't got through talking yet. I don't care for your weekly creepers; give them insect powder and you'll get rid of 'em. I want to say that I insisted on being drawn for this jury. I have a right to be a juryman and I'm here. Who dares say that I ought not to be here? (*Turns to jury and intimidates them. They are all afraid of her.*) You miserable looking "excuses." You call yourselves men. Bah! you are monkeys. (*They make a start to protest.*) Shut up, sit down, or I'll knock you down. (*They sit timidly.*) Now

go on with the case or I'll be the Judge and jury myself. (*Sits.*)

JUDGE. Silence, silence. If you don't respect the court house at least respect me. What is the first case?

LAWYER PRO. A very trivial affair. A book agent who has been bitten by a vicious dog.

MULDOON (*rising*). Was the dog poisoned? (*Sits down.*)

JUDGE. The jury will remain quiet and listen to the evidence. Where's the plaintiff and where's the dog?

LAWYER CON. Here is the Book Agent, your honor. (*Enter* BOOK AGENT, L. 1 E.)

LAWYER PRO. And here is the defendant. (HIRAM HOECAKE *steps out from the crowd of spectators and comes down* L.)

LAWYER CON. I represent the Book Agent, your honor, and the facts of the case are these: This gentleman in pursuing his avocation of selling the life of some one, did pass the gate of Farmer Hiram Hoecake. Said Hiram Hoecake keeps upon his premises a vicious dog, which said dog did pounce upon and lacerate the trousers of said Book Agent in said locality in the said manner in front of said Hiram Hoecake's said gate in the said township of Cucumberville in the said county of Cloverseed in the said state of New Jersey.

STRONG MINDED WOMAN. I think you've said a said about all you're entitled to say. You've said enough so sit down and let somebody else said something. I won't sit here like a mummy. My tongue's my own and I'll use it.

OFFICER (*coming to her*). Madam, you'll have to keep quiet. (*She makes a lunge at him with her umbrella and he retreats quickly.*)

EDITOR (*rising*). A woman after my own heart. The *Weekly Creeper* is proud of you. (OFFICER *makes a dash for him and* EDITOR *sits down.*)

MAN WITH HARE LIP. I can't stay here all day. I've got to go and give an elocution lesson at three o'clock.

JUDGE. What's that he says? (MAN WITH HARE LIP *repeats the lines and they are less intelligible than the first time.*) I can't understand a word he says. (STUTTERING MAN *rises.*)

STUTTERING MAN. He—says—that—he's—got—to—go—to go—to go—to go— (*Whistles and stutters.*)

MULDOON. Sit down. You're worse than he is.

DUTCHMAN. My sourkrout will all be spoiled, but I will sue the county for defamation of character and alimony on my sourkrout.

DEAF MAN. What's that he says? Talk louder, please. (CRIPPLE *shouts in trumpet.*)

CRIPPLE. He says you're an old fool.

DEAF MAN. Yes—yes, certainly. It's getting quite cool.

FARMER. When's the exercises going to begin? I've got to dig a lot of 'taters and can't stay to see the side-show. Go on with your circus or give me my money back. (STRONG MINDED WOMAN *hits him with umbrella.*)

STRONG MINDED WOMAN. Sit down. You're nothing but a man or you'd know better. Don't talk back or I'll ram this umbrella down your throat. I'm here to-day.

PREACHER (*rising*). Oh! Look down on this sinful crowd of Spaniards and bring peace unto these miserable sinners. (STRONG MINDED WOMAN *knocks his hat off and compels him to sit down.*)

JUDGE. Order! order! or I'll fine everybody here for contempt of court.

STRONG MINDED WOMAN. You're contemptible enough, goodness knows. (*Sits down.*)

JUDGE. Go on with the dog case.

HIRAM HOECAKE. I'll be my own liar, Judge. This man says my dog bit him.

BOOK AGENT. Yes, he flew out and bit me.

HIRAM HOECAKE. Got him right there, Judge. My dog never flew, for he ain't got no wings. My dog couldn't bite him for he ain't got no teeth. My dog couldn't see to bite him for he's blind. My dog couldn't run at him to bite him for he's lame. 'Twasn't my dog bit him for my dog's been dead going on three years next grass, and last of all my dog couldn't bite him, 'cause I never owned a dog anyhow. (*All laugh.*)

JURY (*in one voice*). Not guilty.

(HIRAM *returns to seat triumphantly and shakes hands with neighbors.* JUDGE *raps for order.* BOOK AGENT *exits* L. 1 E., *ordered out by* OFFICER *and jury jeers at him.*)

STUTTERING MAN (*rises*). Who's—dog—was—it—any—way?

(STRONG MINDED WOMAN *lunges at him with umbrella and compels him to sit down.*)

JUDGE. Now comes the celebrated case that has torn up this county from one end of it to the other. The great breach of promise case, Widow Smythe versus Widower Smith. Rebecca Smythe versus Plentiful Smith.

STRONG MINDED WOMAN. The Smiths are too plentiful in this county, anyway.

JUDGE. Call the plaintiff and the defendant.

OFFICER. (L. C.) Plentiful Smith! Come into court.

(PLENTIFUL SMITH, *a withered, consumptive looking farmer with a bad cough and feeble from age, enters* L. 1 E., *and seats himself at lawyer's table.*)

STRONG MINDED WOMAN. Well! What woman with common sense would want that skeleton. He's walking around to save funeral expenses.

OFFICER. Widow Rebecca Smythe! Come into court.

(*A very fat middle-aged widow, gayly attired, enters* L. 1 E. *Bows and curtseys to everybody, and sits near* LAWYER CON.)

DEAF MAN. What did you say her name was?

CRIPPLE (*shouts into trumpet*). You're making a fool of yourself. Shut up.

DEAF MAN. I see. Her name is Isabella Shot Pouch. Yes, yes, nice name.

LAWYER CON. I represent the plaintiff.

LAWYER PRO. Your honor, I represent Plentiful Smith, the defendant in this action.

MULDOON. Who do I represent I'd like to know.

JUDGE (*raps*). Silence in the court room!

LAWYER CON. Your honor and gentlemen of the jury. This is a most glaring case of deceit and false pretences! That miserable creature known as Plentiful Smith did by artful words, insinuating smiles, and tempting glances, win the affections of this innocent, trusting specimen of blushing femininity. By his frequent visits did he convey his infatuation and adoration. He sat before the fire and warmed his scorpion-like limbs. He basked in the effulgence of her oil lamp. He munched the ginger cakes and cider spread upon the banquet board for his craving and digestion. With honeyed words he poured his heart into her ears, and

she listened, aye listened to the blandishments of the serpent and drank in his promises of future bliss and connubial felicity. When he had won her guileless heart, what did he do? I ask you what did he do?

DEAF MAN. Leetle louder, please. What's the man a been a doing! (CRIPPLE *silences him.*)

LAWYER CON. I repeat, what did he do? Why as hundreds of barefaced triflers do! He broke off his engagement. He calmly and coolly thrust aside this fragile plant, this little bud of confiding sweetness, and left her, broken-hearted, to ruminate on man's perfidy and false-heartedness. (*Begins to sob and uses handkerchief.*) Oh! your honor and gentlemen of the jury (STRONG-MINDED WOMAN *is pleased*) I ask you; did you ever hear of more treacherous and base treatment. Did ever a human heart become so lacerated as Rebecca Smythe's heart. (*Sobs.*) Oh! I am too full for utterance!

TRAMP. I wish I had half of your load.

LAWYER CON. I shed tears for her. Left alone at a tender age to buffet the world, to wander alone through a dismal vista of forlorn wasted hopes. (*Sobs.*) Naught left her but to wander forth into the cemetery where her two departed husbands lie side by side in peace and happiness. (*Sobs.*) To wander there, as I said before, and view the spot which Plentiful Smith might occupy shortly, as he seemed to be "next." (*Cries.*) Oh! Your honor, this is a sad case—the most heartrending I have been called upon to plead in all my legal jurisprudence. Oh! Ye that have tears, hold them not back, but let them freely flow for Rebecca Smythe. The poor widow needs your consolation in this the hour of her affliction and desertion. (*Crying. The* JUDGE *and jury and* WIDOW, *begin to cry. All are affected. Finally* PLENTIFUL SMITH *begins to weep.*) Oh! This is too much. Even a lawyer weeps at such baseness. And when a lawyer weeps it must be touching indeed. See! (*Discovers* SMITH *weeping.*) The cause of all this disaster weeps also. It is too late! too late! The wretch has blasted the hopes of a trusting heart, and nothing but cash will alleviate our distress. Oh, your honor and gentlemen of the jury, I appeal to you for justice. I beseech you to waive aside her two former husbands now at rest with honeysuckles growing over them. They are better off. I say, let them go. Think of the present facts. Think of that scape-

grace who like a butterfly flits from flower to flower in this county and then wings his way home never to return to them again! "Let justice be done though the heavens fall." I ask you, gentlemen of the jury, to find damages for my client, to find the balm to heal her bleeding heart, to find a verdict in her favor such as will put her on Easy street for the balance of her life and give me a fat fee out of it! Oh! gentlemen of the jury, our fate is in your hands. I am done!

MULDOON. He's got his feet in his hands and he's done. He must be a contortionist in the circus.

DEAF MAN. Has he been talking to us?

STRONG MINDED WOMAN. Sit down. Don't interrupt me or the court.

EDITOR. This is most affecting and the *Weekly Creeper* will give a full and impartial report.

JUDGE. Order! order! It is most affecting. (*Drinks from jug and smacks his lips. Suddenly the* TRAMP *jumps up and goes into the capers of a "fit." He leaps over out of the box, and kicks and struggles on the floor, alarming everybody. He can make this "fit" as violent as he likes.*)

MULDOON. Give him some whiskey. (JUDGE *hands the jug to* MULDOON, *who places it to* TRAMP'S *lips. He drinks, rises and feels better. As* MULDOON *is about to return the jug, the* TRAMP *falls into another "fit."* MULDOON *runs to him with the jug, but it proves to be empty.* TRAMP *rises. Shows jug is empty.*)

TRAMP. No more whiskey?

MULDOON. No.

TRAMP. Then no more fits. (*Laughs and returns to place and so does* MULDOON.)

LAWYER PRO. Your honor, I represent Plentiful Smith. Mr. Smith, take the stand. (SMITH *rises and tries to carry out the witness-box.*) No, no. I don't mean to take it. Get into the witness-box. (SMITH *feebly gets into witness-stand.*)

SMITH. All right, sir.

LAWYER PRO. What is your name?

SMITH. Plentiful Smith.

LAWYER PRO. How old are you?

SMITH. Sixty-two years, seven months, five days, six hours and eight minutes.

JUDGE. Why are you so precise?

SMITH. Because I thought some confounded fool would ask me. (*All laugh.*)

JUDGE. Order in the court.

HIRAM. By gum; he had you there, Judge.

DEAF MAN. Let me hear it so I can laugh. (*Puts up trumpet.*)

STRONG MINDED WOMAN. Shut up. I don't want to miss a word of the scandal.

LAWYER PRO. Do you know the lady seated there? (*Points to* WIDOW.)

SMITH. Yes, she tried to set her cap for me.

LAWYER PRO. Do you hear that, your honor? She tried to inveigle him into matrimony.

STRONG MINDED WOMAN. Don't believe him, Judge. They blame us women for everything. Oh! you old scamp. (*Tries to hit* SMITH *with her umbrella.* OFFICER *comes to the rescue.* JUDGE *raps for order.*)

WIDOW. I'm glad to see one sympathizing heart is with me. Oh! sister you might be trifled with some day yourself.

STRONG MINDED WOMAN. Not much, I'm a free and independent citizen, and I wouldn't marry the best man living.

MULDOON. I don't blame you. I wouldn't be the man for a thousand dollars.

HARE LIP MAN. Who—wants—to—marry one of this jury?

STUTTERING MAN. Shut up. You're—stopping—the—case—from—going—on.

HARE LIP MAN. Shut up yourself, you ain't the whole court house.

STUTTERING MAN. I—can—talk—plainer—than you—can.

HARE LIP MAN. You can't talk at all; nobody can understand you. (*A furious quarrel ensues between* HAIR LIP MAN *and* STUTTERING MAN *and they attack each other.* COURT OFFICER *runs over and pulls them apart and restores order.* JUDGE *pounding for order and* STRONG MINDED WOMAN *trying to get at the combatants.*)

MULDOON (*excitedly*). I'll fight any man in the room. (STRONG MINDED WOMAN *raps him with umbrella.*) Except you. I take my hat off to you.

JUDGE (*rises*). I must insist upon silence or I'll fine everybody here including myself.

LAWYER PRO. Your honor and lady foreman of the jury. Plentiful Smith is an abused man. He never promised to marry any one. He passes our village cemetery and views with pleasure how much he has patronized it. Three Smiths lie there at rest and he is not going to celebrate the fourth. Your honor, I stand here to defend my client from the savage attacks of the legal scoundrel on the other side. I do not mean to say he lies, but I wouldn't believe him under oath. I do not say he is a rascal, I merely hint that he is an unprincipled horsethief, who would steal pennies off a dead man's eyes and kick him because they were not quarters. (*The jury falls asleep gradually during his speech. Then the* OFFICER *nods and sleeps, then the defendant. Plaintiff and opposing council and the* JUDGE *nods and sleeps, and then snores. All are asleep but* LAWYER PRO.) Oh! gentlemen of the jury, as I pace this floor, I could give you an outline of Plentiful Smith's career from the cradle to the present time, but suffice it to say I am here to acquit him and to prove the other side to be a band of highwaymen, burglars, pickpockets and scallawags from the Judge down to the janitor. (*Sees them all asleep—pauses—they snore.*) Your honor and gentlemen of the jury, will you have one with me? (*All wake up suddenly and rise and exclaim "Yes."*)

JUDGE. Bring mine to me quick.

PREACHER. I'll go with you.

DUTCHMAN. I'll take a pail of lager.

LAWYER PRO. Gentlemen, here's looking at you. (*Takes flask from pocket and begins to drink. Everybody makes a rush for him to get hold of the flask, crowding around him, clamoring for a chance at the flask.* LAWYER PRO *laughs and shows that the flask is empty. All utter a groan of disappointment and return to places, looking daggers at the lawyer.*)

JUDGE. I fine Lawyer Pro fifty dollars for contempt of court and fooling the Judge with an empty flask. It's an insult and a crime.

WIDOW (*rising*). Judge! That man over there has been winking and bowing to me ever since I sat here. (*Points to man in jury box with nervous affection of head and features.*) See him? See him winking at me? I won't stand it.

LAWYER PRO. Your honor. The man can't help that.

He's got a nervous affection of the muscles of the face and neck. He always does that. First time I ever saw him in front of a tavern nodding that way, I followed him in. I thought he had invited me in to "have something."

NERVOUS MAN. I ain't a winking at her, Judge. I can't help it. Besides I'm a married man.

STRONG MINDED WOMAN. Then you'll bear watching! Now stop winking at me! You're entirely "too fresh."

LAWYER PRO. Your honor, I ask you to tax your brain in following this case, and you, gentlemen of the jury, put yourself in Plentiful Smith's place.

MULDOON. Begorra, he's too near dead; ye can excuse me!

LAWYER PRO. Weigh well this case—weigh well the lady herself.

FARMER. Bring in the hay scales and let her get on 'em!

DEAF MAN. What's he been talking about?

CRIPPLE. He wants you to shut up!

CHICKEN THIEF. Say! Boss—all dem chickens will be stole by some odder nigger if I stay here much longer.

HARE LIP MAN. What's—all—this—case—about—any—way?

STUTTERING MAN. Who—the—deuce—can—understand—what—you're—talking—about?

(JUDGE *raps for order.*)

LAWYER PRO. Gentlemen of the jury—this is a sad case—a blighted life is before you.—Only sixty-two years of age.—Right in the flush and heyday of his young manhood, and to be seized by a remorseless spider and dragged into the web of matrimony without one chance for his life!—Only sixty-two years of age.

MULDOON. Time he was shot; the spalpeen!

STRONG MINDED WOMAN. Say another word about women being spiders, and I'll wear out this umbrella over your back. You lying, good-for-nothing lawyer, we're not spiders, and I ain't got any web to drag you into. I'm here to champion my sex, and I defy the whole court house. (*Tries to attack* LAWYER PRO.)

JUDGE. Widow Smythe. Take the stand.

WIDOW (*sweetly*). Yes, Judge. (*Gets into witness stand vacated by* SMITH.)

JUDGE. What is your name?

WIDOW. My last name is Smythe. My full name is Rebecca Johnson-Williams Smythe.

JUDGE. How old are you?

WIDOW (*hesitates*). I refuse to answer. It might hurt my future chances. (STRONG MINDED WOMAN *applauds.*)

STRONG MINDED WOMAN. That's right. Don't give yourself away. It's none of their business.

JUDGE. If you will not state it publicly, come up here and whisper it to me. (WIDOW *flounces up and whispers in* JUDGE'S *ear.*) You don't say so? You're very young for your looks! (WIDOW *returns to stand.*)

DEAF MAN. How old did she say she was?

CRIPPLE. Don't bother me. I want to sleep!

JUDGE. You will state to the court how Plentiful Smith came to win your love and how he promised to make you Mrs. Smith number four.

WIDOW. Well, Judge, I got rather lonesome, and having a lot of my former husbands' old clothes I thought they might as well be used up, and I might as well have a man around to lock up the house, build fires and tend to all the farm fixings. So I got Plentiful Smith to visit my lonely abode. And he was only too glad to call—for if I do say it myself, I can fry the best crullers in the whole county. Well, as I said before, he called quite often. One evening he asked me to sit on his lap, (*jury lean out of box, spectators crane their necks to listen*) but he couldn't hold me because he said I was too heavy. (STRONG MINDED WOMAN *makes a lunge at* SMITH.) He asked me to kiss him! (*All on the qui vive again.*)

LAWYER (*to* WIDOW). You say he kissed you?

WIDOW. Yes, he kissed me.

LAWYER. But didn't you kiss him in return?

WIDOW. Yes! I had to kiss him in self-defence! Anyhow I hadn't been kissed since my husband was buried. (*Jury groan.*) And then he kissed me three times. (STRONG MINDED WOMAN *lunges at* SMITH *and the* TRAMP *falls out of the jury box in a partial fit.* OFFICER *rushes over and forces him back into box and compels order.*)

JUDGE. Go on, Mrs. Smythe!

WIDOW. He then asked me if I would become his fourth venture and name the happy day—which I quickly named for fear he'd change his mind. Then he kissed me again. (*She exits from box.*)

DUTCHMAN. You deserve credit for standing that kind of treatment. I'd rather kiss a pig.

SMITH. Judge, it's all a tissue of falsehoods. She held me by the neck and kissed me. I couldn't get away from her.

JUDGE. What's the verdict of the jury?

STRONG MINDED WOMAN. Guilty of manslaughter in the first degree.

MULDOON. Eleven for acquittal and sue the county for false imprisonment.

EDITOR (*shouts*). I'll have that with head lines in the *Weekly Creeper!*

STRONG MINDED WOMAN. This jury has got to do as I say. I'm foreman and I run this court, and all the sickly creepers in it, (*comes out to* C.) and I'll show you I mean business. (*Music, hurry.*)

(*She throws books, documents, etc., at* JUDGE *and lawyers. Strikes right and left with her umbrella and drives the* JUDGE *from his place, and assumes the position of "Judge" herself and is rapping for order with mallet on desk. Everybody in the court room intimidated by her except* SMITH *and the* WIDOW, *who run to each other's arms and embrace, to the discomfiture of the lawyers; jury on their knees begging for mercy as the woman's rights' advocate seems to be master of the situation. The* JUDGE *and* COURT OFFICER *are completely prostrated and under the lawyer's table for protection.*)

CURTAIN.

*N. B.* The above climax for curtain is arranged for the Strong Minded Woman's triumph—where that character is assumed by a male. "The Widow" can be portrayed by a man also. Where the character of the Strong Minded Woman is assumed by a female she can merely throw books and documents at the Judge, dislodge him from behind the desk and take his place. Then she can rap with her umbrella for attention. Then exclaim, "What is the verdict of this jury?" The jury replies, "We have no verdict."

STRONG MINDED WOMAN. Then I'll give you the verdict. Smith has got to marry the Widow right here! Arise, take hold of hands and I'll join you together in the bands of

padlock. (*As she speaks,* WIDOW *and* SMITH *come from* R. *and* L., *join hands* C., *and the woman's rights' advocate begins her burlesque marriage ceremony.*)

Ana! Mona! Meena! Mike!
Barcelona—Bona—Strike,
Kare—Whare—Wee! With.
Widow Smythe has married Smith.

(*All cheer.*)

CURTAIN.

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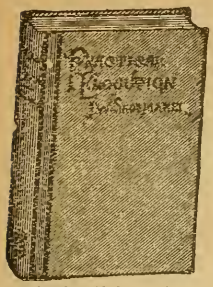

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